

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PHARMACIA CORPORATION)	
N/K/A PFIZER INC.,)	
)	
Plaintiff,)	C.A. No. 2:18-cv-00510-ES-MAH
)	
v.)	DECLARATION OF GABRIELA
)	RICHEIMER IN SUPPORT OF
ARCH SPECIALTY INSURANCE)	DEFENDANTS' MOTION FOR
COMPANY and TWIN CITY FIRE)	SUMMARY JUDGMENT
INSURANCE COMPANY,)	
)	
Defendants.)	
)	

I, GABRIELA RICHEIMER, state as follows:

1. I am a partner at the law firm of Clyde & Co US LLP, counsel for Twin City Fire Insurance Company (“Defendant” or “Twin City”). I am admitted *pro hac vice* to the Bar of the United States District Court for the District of New Jersey. I submit this declaration in support of Defendants’ Motion for Summary Judgment.

2. As counsel for Twin City in this matter, I have participated in the litigation of this matter since the commencement of litigation. In doing so, I have acquired personal knowledge of the pleadings, court filings, discovery documents and related matters in this lawsuit.

3. Documents Bates Stamped “PFIGARB” were produced by Plaintiff Pharmacia Corporation (n/k/a Pfizer Inc.) during the course of this litigation. Documents Bates Stamped “ARC” were produced by Defendant Arch Specialty Insurance Company during the course of this litigation. Documents Bates Stamped “TC” were produced by Defendant Twin City Fire Insurance Company during the course of this litigation.

4. Attached as Exhibit 1 is a true and correct copy of an August 30, 2002 email from Cynthia Beveridge (Aon) to Robert Cerutti (Pharmacia), cc’ing Jonathan Vlachos (Aon),

Douglas Dimitri (Aon) and Vincent Esposito (Pharmacia) with the subject line, “D&O binder” and an attached Confirmation of Order c/o Aon Financial Services Group, Inc. for Pharmacia Corporation dated August 30, 2002, Bates Stamped PFIGARB033990 – 33993 and marked as Exhibit No. 16 in the January 15, 2019 Deposition of William H. Getreuer in this matter. [Confidential]

5. Attached as Exhibit 2 is a true and correct copy of the “About Aon” landing page of Aon PLC’s website, <https://www.aon.com/about-aon-about-aon.jsp> last visited on June 25, 2019.

6. Attached as Exhibit 3 is a true and correct copy of an August 28, 2002 letter from Cynthia A. Beveridge, Managing Director, Aon, to Robert Cerutti, Senior Director, Risk Management, Pharmacia Corporation, RE: Directors and Officers Liability Program-Renewal September 1, 2002 Bates Stamped PFIGARB033821– 33830 and marked as Exhibit 15 in the January 15, 2019 Deposition of William H. Getreuer in this matter. [Confidential]

7. Attached as Exhibit 4 is a true and correct copy of a September 10, 2002 Internal Pharmacia Corporation Memorandum from V. Esposito, Pharmacia Risk Management to C. Coughlin, Pharmacia EVP & CFO, Subject: Director and Officers/Fiduciary Liability Various Documents for Signature by C. Coughlin & F. Hassan with attached: (1) D&O Warranty Statement; (2) CNA Fiduciary Liability Renewal Application; (3) AIG D&O Renewal Application; (4) Zurich D&O Renewal Application; and (5) CNA D&O Renewal Application, Bates Stamped PFIGARB033959 – 33820 and marked as Exhibit 33 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

8. Attached as Exhibit 5 is a true and correct copy of an August 30, 2002 letter from Laura A. Finke, Assistant Vice President, Arch Insurance Group to Cynthia Beveridge, Aon FSG

– NY, NY, regarding Binder – Arch Specialty Insurance Company, Bates Stamped ARC 0014536 – 14537 and marked as Exhibit 16 in the January 17, 2019 Deposition of Laura Fincke Coppola. [Confidential]

9. Attached as Exhibit 6 is a true and correct copy of Hartford Specialty, Revised Binder Twin City Fire Insurance Company sent to Cynthia Beveridge on September 3, 2002, signed by Deborah Gulliano on September 1, 2002, Bates Stamped TC0000070 – 71 and marked as Exhibit 17 in the January 15, 2019 Deposition of William H. Getreuer in this matter.

10. Attached as Exhibit 7 is a true and correct copy of the excerpted pages 87 – 89, 90 – 94, 111 – 112, and 126 – 132 from the video deposition of Fred Hassan taken on February 27, 2019.

11. Attached as Exhibit 8 is a true and correct copy of the excerpted pages 25 – 27 and 29 from the video deposition of Christopher Coughlin taken on March 7, 2019.

12. Attached as Exhibit 9 is a true and correct copy of the excerpted pages 15 – 16, 34 – 39, 52 – 57, 60 – 62, 64, and 82 – 83 from the video deposition of Larry Goanos taken on May 3, 2019.

13. Attached as Exhibit 10 is a true and correct copy of the U.S. District Court, Eastern District of New York (Brooklyn) CIVIL DOCKET FOR CASE #: 1:01-cv-03441-SJ, *Cain et al v. Merck & Co., Inc. et al* downloaded from PACER on June 26, 2019.

14. Attached as Exhibit 11 is a true and correct copy of a February 1, 2001 letter sent via facsimile from the Department of Health & Human Services, Public Health Service Food and Drug Administration to Fred Hassan, President and CEO, Pharmacia Corporation regarding NDA 20-998 Celebrex (celecoxib) capsules MACMIS ID # 8432 WARNING LETTER, filed on

January 31, 2012 in Case No. 3:03-cv-01519-AET-TJB Document 324-29 Bates Stamped PFIGARB022101 – 22107.

15. Attached as Exhibit 12 is a true and correct copy of the article: Susan Okie, *Missing Data on Celebrex; Full Study Altered Picture of Drug*, THE WASHINGTON POST (Aug. 5, 2001) Bates Stamped PFIGARB009816 – 9818 and marked as Exhibit 17 in the February 27, 2019 Deposition of Fred Hassan in this matter.

16. Attached as Exhibit 13 is a true and correct copy of the article: Peter Jüni, Anne WS Rutjes and Paul A. Dieppe, *Are selective COX 2 inhibitors superior to traditional non steroidal anti-inflammatory drugs? Adequate analysis of the CLASS trial indicates that this may not be the case*, BMJ (June 1, 2002) Bates Stamped PFIGARB009759 – 9760 and marked as Exhibit 19 in the February 27, 2019 Deposition of Fred Hassan in this matter.

17. Attached as Exhibit 14 is a true and correct copy of the article: Thomas M. Burton and Gardiner Harris, *Study Raises Specter of Cardiac Risk for Users of Popular Arthritis Drugs*, THE WALL STREET JOURNAL (Aug. 22, 2001) marked as Exhibit 18 in the February 27, 2019 Deposition of Fred Hassan in this matter.

18. Attached as Exhibit 15 is a true and correct copy of the excerpted pages 37 - 172 from the December 10, 2010 Deposition of Steven Geis taken in *Alaska Electrical Pension Fund, et al., v. Pharmacia Corporation, et al.* No. 03-1519 (D.N.J.) Bates Stamped PFIGARB013805, 13814 – 13847. [Confidential]

19. Attached as Exhibit 16 is a true and correct copy of the slide deck titled “CLASS Celecoxib Long-term Arthritis Safety Study” Bates Stamped PFIGARB038349 – 38464 and marked as Exhibit 16 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

20. Attached as Exhibit 17 is a true and correct copy of an April 25, 2000 8:18 PM email from Fred Hassan subject “Talking About Our Business: Q1 Earnings Release of Pharmacia Corporation – 2000 April 25” Bates Stamped PFIGARB027110 – 27112 and marked as Exhibit 3 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

21. Attached as Exhibit 18 is a true and correct copy of: *Findings from Celebrex(R) Safety Study Show Traditional NSAID Comparators Can Cause Serious GI Complications Within First Few Days of Treatment; No Increased Risk of GI Complications Observed for H. Pylori Positive Patients on Celebrex*, PR NEWswire (May 23, 2000) Bates Stamped PFIGARB015290 – 15295.

22. Attached as Exhibit 19 is a true and correct copy of a June 22, 2000 1:21 AM email from Fred Hassan subject “Talking About Our Business: Growth Through Product and Consumer Relationships” Bates Stamped PFIGARB027113 – 27115 and marked as Exhibit 5 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

23. Attached as Exhibit 20 is a true and correct copy of a September 8, 2000 8:56 AM email from James B. Lefkowitz to Emilio Arbe, Subject “RE: CLASS Data” filed on March 2, 2012 in Case 3:03-cv-01519-AET-TJB, Document 328-3, Bates Stamped from a prior litigation production DEFS 00118475 – 118478. [Confidential]

24. Attached as Exhibit 21 is a true and correct copy of an October 25, 2000 3:11 PM email from Pasquale Cetera to Anne M. Hopkins, cc’ing Marilyn Nugent, Roland Herterich, Winifred M. Begley, David Forrest, and Neil Wolf, Subject: “CBX-0280215_RE: Celebrex EU SPC and CLASS” replying to an October 25, 2000 8:34 AM email from Anne M. Hopkins, Subject: “RE: Celebrex EU SPC and CLASS” and further email chain, Bates Stamped PFIGARB023352 – 23359. [Confidential]

25. Attached as Exhibit 22 is a true and correct copy of the article: Fred E. Silverstein, MD, Gerald Faich, MD, Jay L. Goldstein, MD, Lee S. Simon, MD, Theodore Pincus, MD, Andrew Whelton, MD, Robert Makuch, PhD, Glenn Eisen, MD, Naurang M. Agrawal, MD, William F. Stenson, MD, Aimee M. Burr, MS, William W. Zhao, PhD, Jeffrey D. Kent, MD, James B. Lefkowitz, MD, Kenneth M. Verburg, PhD, and G. Steven Geis, PhD, MD, *Gastrointestinal Toxicity With Celecoxib vs Nonsteroidal Anti-inflammatory Drugs for Osteoarthritis and Rheumatoid Arthritis The CLASS Study: A Randomized Controlled Trial*, JAMA THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION (Sept. 13, 2000) Bates Stamped PFIGARB015237 – 15245 and marked as Exhibit 6 in the February 27, 2019 Deposition of Fred Hassan in this matter.

26. Attached as Exhibit 23 is a true and correct copy of a January 26, 2001 6:40 AM email from James B. Lefkowitz to George S. Geis and Kenneth M. Verburg, Subject: “FW: comments” forwarding a January 26, 2001 6:21 AM email from “Vstrand@aol.com” to James B. Lefkowitz, cc’ing Rita Jain and Susan M. Weszt, Subject: “comments” Bates Stamped PFIGARBB023485 – 23487. [Confidential]

27. Attached as Exhibit 24 is a true and correct copy of a June 18-19, 2001 slide deck, named “Pharmacia Overview Strategic Direction Review” Bates Stamped PFIGARB040278 – 40426 and marked as Exhibit 13 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

28. Attached as Exhibit 25 is a true and correct copy of a slide deck named “Pharmacia Global Prescription Business” Bates Stamped PFIGARB040431 – 40568 and marked as Exhibit 24 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

29. Attached as Exhibit 26 is a true and correct copy of a document titled “Global Prescription Business, September 2001 (All Internal Sales Figures are Based on the August Q3 Forecast)” Bates Stamped PFIGARB038219 – 38231 and marked as Exhibit 22 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

30. Attached as Exhibit 27 is a true and correct copy of a September 10, 2001 11:20 PM email from George S. Geis to Philip Needleman, Kenneth M. Verburg, Goran Ando, Gayle L. Werner and George S. Geis regarding “CBX-0351878_RE: Board of Directors meeting Bates Stamped PFIGARB040430 and marked as Exhibit 20 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

31. Attached as Exhibit 28 is a true and correct copy of a September 12, 2001 6:44 PM email from George S. Geis to Philip Needleman, cc’ing Kenneth M. Verburg and George S. Geis regarding “CBX-0351948_RE: Board of Directors meeting.” with email chain and slide deck, titled “Celecoxib” attached Bates Stamped PFIGARB040572 – 40590 and marked as Exhibit 21 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

32. Attached as Exhibit 29 is a true and correct copy of a September 18, 2001 3:24 PM email from Philip Needleman to George S. Geis, and Kenneth M. Verburg, cc’ing William J. Johnson, regarding “CBX-0352150_FW: September 24-25 BOD Meeting” marked as “High” importance with email chain and document titled “AGENDA BOARD OF DIRECTORS MEETING Tuesday, September 25, 2001” attached, Bates Stamped PFIGARB040569 – 40571 and marked as Exhibit 25 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

33. Attached as Exhibit 30 is a true and correct copy of the excerpted pages 173 – 220 of Volume II of the February 22, 2011 9:02 a.m. – 3:58 p.m. Deposition of Fred Hassan taken in

Alaska Electrical Pension Fund, et al. v. Pharmacia Corporation, et al., No. 03-1519 (AET) (D.N.J.), Bates Stamped PFIGARB011535 – 11546. [Confidential]

34. Attached as Exhibit 31 is a true and correct copy of the December 13, 2001 minutes of the Product Executive Committee attended by committee members: Goran Ando, Carrie Cox, Fred Hassan, Phil Needleman and Bill Johnson as well as: Greg Szpunar, Ken Verburg, Rick Hubbard, Steve Geis, Tom Koestler, Peter Isakson and Neil Wolf, Bates Stamped PFIGARB040619 – 40620 and marked as Exhibit 26 in the February 27, 2019 Deposition of Fred Hassan in this matter. [Confidential]

35. Attached as Exhibit 32 is a true and correct copy of Pharmacia Corporation's Securities and Exchange Commission Form 10-K405 for the fiscal year ended December 31, 2001 signed by Fred Hassan, Chairman and Chief Executive Officer and Director, Christopher J. Coughlin, Executive Vice President and Chief Financial Officer, and other Directors, on February 20, 2002, Bates Stamped ARC 0014751 – 14772 and marked as Exhibit 6 in the January 17, 2019 Deposition of Laura Fincke Coppola. [Marked as Confidential but is a publicly available SEC document.]

36. Attached as Exhibit 33 is a true and correct copy of Pharmacia Corporation's May 15, 2002 Securities and Exchange Commission Form 10-Q for the quarter ended March 31, 2002 Bates Stamped PFIGARB034712 – 34759.

37. Attached as Exhibit 34 is a true and correct copy of the article: Sebastian Malla, *A Worm at the Core of Capitalism*, THE WASHINGTON POST (June 10, 2002), also available at https://www.washingtonpost.com/archive/opinions/2002/06/10/a-worm-at-the-core-of-capitalism/d14cb2a3-1789-43bc-9a9e-fc96da33b4b8/?utm_term=.2c4a5f011a75.

38. Attached as Exhibit 35 is a true and correct copy of a June 11, 2002 4:55 PM email from Cynthia Beveridge to “jkiburz@chubb.com”, Neal Wilkinson (Aon), Thor Beveridge (CNA), “agiaccio@xlelu.com”, Brian Braden (Zurich), Laura Fincke, “jverhoorn@gulfins.com”, Matthew Kramer (The Hartford), Peter Quinn (MAG Global), Cedric Nigel Smith (Swiss Re), Andrew Doherty (St. Paul), James Lubeck (Ace), Jennifer Bona (RSA USA), “sperterson@amre.com”, Jay Dipasupil (Travelers), Douglas Worman (AIG), Fred Cooper (New York LIU), “Rengman@gaic.com”, and Peter Trunfio (RLI Corp.), cc’ing Jonathan Vlachos (Aon), regarding “Pharmacia Meeting on June 21” Bates Stamped ARC 0014685.

39. Attached as Exhibit 36 is a true and correct copy of excerpted page 23 from Pfizer Inc.’s Securities and Exchange Commission Form 10-K for the fiscal year ended December 31, 2003, Bates Stamped PFIGARB029679 – 29683, 29707.

40. Attached as Exhibit 37 is a true and correct copy of the Pharmacia Memorandum dated January 8, 2003 from V. Esposito, Risk Management, to E. May, Subject: “D&O Liability Insurance Documents” with attached insurance applications and documents executed for the recent D&O Liability Insurance renewal, Bates Stamped PFIGARB033756 – 33820 marked as Exhibit 18 in the January 15, 2019 Deposition of William H. Getreuer in this matter.
[Confidential]

41. Attached as Exhibit 38 is a true and correct copy of a March 19, 2012 letter from Rachel S. Kronowitz, Gilbert LLP (Pfizer’s counsel) to Wayne E. Borgeest, Esq. and Robert A. Benjamin, Esq., Kaufman, Borgeest & Ryan LLP (Allied World’s counsel) regarding *Alaska Electrical Pension Fund, et al. v. Pharmacia Corp., et al.* (D.N.J. Case No. 03-1519) and the Allied World Assurance Company policy Bates Stamped PFIGARB001848 – 1851.
[Confidential]

42. Attached as Exhibit 39 is a true and correct copy of a May 30, 2014 letter from Rachel S. Kronowitz and W. Hunter Winstead, Gilbert LLP (Pfizer's counsel) to John F. McCarrick, Esq., White and Williams LLP (Arch's counsel) regarding *Alaska Electrical Pension Fund, et al. v. Pharmacia Corp., et al.* (D.N.J. Case No. 03-1519) and the Arch policy, Bates Stamped ARC 0005123 – 5127.

43. Attached as Exhibit 40 is a true and correct copy of the Settlement Agreement and Release entered into as of March 27, 2015 between Pharmacia LLC, Pfizer Inc., Fred Hassan, Carrie Cox, and G. Steven Geis, and Allied World Assurance Company, Ltd. Bates Stamped PFIGARB000001 – 07. [Confidential]

44. Attached as Exhibit 41 is a true and correct copy of the Settlement Agreement and Release entered into as of March 2013 between Pfizer Inc., Pharmacia Corporation, Fred Hassan, Carrie Cox, Steven Geis, Continental Casualty Company, and American Casualty Company Bates Stamped PFIGARB000008 – 12. [Confidential]

45. Attached as Exhibit 42 is a true and correct copy of the Settlement and Release Agreement entered into as of March 2, 2011 between Pfizer Inc., Pharmacia Corporation, National Union Fire Insurance Company of Pittsburgh, Pa., and Chartis Excess Limited, f/k/a Starr Excess Limited Liability Insurance international Limited and AIG Excess Liability Insurance International Limited Bates Stamped PFIGARB000013 – 21. [Confidential]

46. Attached as Exhibit 43 is a true and correct copy of the February 28, 2013 Agreement and Release entered into between Zurich American Insurance Company, and Pfizer, Inc. on behalf of itself, Pharmacia Corporation, Fred Hassan, Carrie Cox, and G. Steven Geis Bates Stamped PFIGARB000022 – 25. [Confidential]

47. Attached as Exhibit 44 is a true and correct copy of the April 1, 2013 Settlement Agreement and Mutual Release between XI Specialty Insurance Company and Pfizer Inc. on behalf of itself and all defendants in *Alaska Electrical Pension Fund, et al. v. Pharmacia Corp., et al.*, Case No. 03-1519 (D.N.J.) Bates Stamped PFIGARB000026 – 32. [Confidential]

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements made by me are true and accurate to the best of my knowledge, information and belief.

s/ Gabriela Richeimer
Gabriela Richeimer (admitted *pro hac vice*)
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